

### REMARKS

Claims 1-55 are pending in the application. Claims 1-55 are rejected. Claims 1-3, 10, 13-16, 19, 20, 22, 23, 28, 29, 36-38, 40, 42-44, and 49-51 are amended herein, and no new material is added by the amendments herein. Claims 17 and 18 are canceled  
5 herein without prejudice. Applicants respectfully submit that claims 1-16 and 19-55, as amended herein, are patentably distinct from the cited prior art and the prior art made of record, and therefore the rejections have been overcome. Thus, Applicants respectfully request withdrawal of the rejections.

#### 10 *Information Disclosure Statement*

Enclosed is an Information Disclosure Citation Form PTO/SB/08. It is respectfully requested that the cited references be considered and that the enclosed copy of the Form PTO/SB/08 be initialed by the Examiner to indicate such consideration and a  
15 copy thereof returned to Applicant.

#### *Power of Attorney and Correspondence Address*

Applicants would like to call to the Examiner's attention that the Office Action mailed December 29, 2003 was not mailed to the Attorneys of record. Applicants include  
20 herewith a copy of the Power of Attorney document executed on July 18, 2002, mailed to the United States Patent and Trademark Office (USPTO) on July 24, 2002, and received by the USPTO on August 2, 2002 in which all prior powers were revoked and the practitioners at Shemwell Gregory & Courtney LLP, Customer Number 30554, were appointed as the attorneys of record. In accordance with the Power of Attorney  
25 received by the USPTO on August 2, 2002, Applicants respectfully request that all further communications in this matter be directed to Rick Gregory, Shemwell Gregory & Courtney LLP, 4880 Stevens Creek Boulevard, Suite 201, San Jose, California 95129, telephone (408) 236-6646, facsimile (408) 236-6641.

***Claim Rejections Under 35 USC §103***

Claims 1-55 are rejected under 35 USC §103(a) as being unpatentable over Chou et al., United States Patent number 6,330,499 ("Chou"), and Spaur et al., United States Patent number 6,732,074 ("Spaur"). Applicants respectfully submit that Chou discloses a system and method for vehicle diagnostic and health monitoring. The system includes a client computer device installed in the vehicle and a communication link for communicating vehicle information. The client computer device includes a processor coupled with memory, a user interface, a network interface, a vehicle interface, at least one persistent storage device, and optional external devices. Chou, column 2, line 30 to column 3, line 46; Figure 1; Figure 2.

Applicants submit that Spaur discloses a system that provides communication of commands and data between a vehicle and sites that are remote from the vehicle. The information communication uses certain standardized network communication links that enable users to communicate with the vehicle using an Internet Protocol (IP) address associated with the particular vehicle. Spaur, column 2, lines 11-65.

Applicants respectfully submit that neither Chou, Spaur, nor Chou in combination with Spaur describe remote manipulation of vehicle elements, including coupling among a plurality of network elements including at least one vehicle internetwork, at least one gateway node of at least one local site, and the Internet, wherein the gateway node comprises at least one real-time interface processor (RTIP) and at least one application processor, the RTIP performing real-time operations and the application processor performing high-level processing functions (emphasis added). Further, Applicants submit that Chou and/or Spaur fail to provide at least one of data processing, data storage, access control, protocol translation, security including service discovery and device authentication, and network control using the gateway node (emphasis added). Chou and/or Spaur also fail to disclose remote manipulation of at least one function of the vehicle elements and controlling remote access to the vehicle internetwork using the gateway node in response to intermittent external communications.

Therefore, in contrast to Chou and/or Spaur, claims 1, 42, and 49 as amended are to remote manipulation of vehicle elements, including coupling among network elements including at least one gateway node that comprises at least one real-time interface

processor (RTIP) and at least one application processor, the RTIP performing real-time operations and the application processor performs high level processing functions (emphasis added). In further contrast to Chou and/or Spaur, claims 1, 42, and 49 as amended provide at least one of data processing, data storage, access control, protocol translation, security including service discovery and device authentication, and network control using the gateway node (emphasis added). Additionally, claims 1, 42, and 49 as amended control remote access to the vehicle internetwork using the gateway node in response to intermittent external communications. Thus, applicants respectfully submit that claims 1, 42, and 49, as amended, are patentable over Chou and Spaur, alone and in any combination.

Additionally, as claims 2-16 and 19-41 depend from amended claim 1, claims 2-16 and 19-41 are patentable over Chou and Spaur, alone and in any combination. As claims 43-48 depend from amended claim 42, claims 43-48 are patentable over Chou and Spaur, alone and in any combination. As claims 50-55 depend from amended claim 49, claims 50-55 are patentable over Chou and Spaur, alone and in any combination. Accordingly, Applicants respectfully request withdrawal of the rejection under 35 USC §103.

***Conclusion***

In view of the foregoing amendments and remarks, Applicants respectfully submit that claims 1-16 and 19-55 as amended herein are in condition for allowance. Thus, allowance of the claims is requested. If in the opinion of Examiner Mirza a telephone  
5 conference would expedite the prosecution of the subject application, or if there are any issues that remain to be resolved prior to allowance of the claims, Examiner Mirza is encouraged to call Rick Gregory at (408) 236-6646.

***Extension of Time***

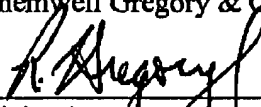
10 A Petition for Extension of Time Under 37 CFR 1.136(a) is enclosed herewith in duplicate for a one month extension of time.

***Authorization to Charge Deposit Account***

Please charge deposit account 501914 for any fees due in connection with this  
15 Office Action response.

20 Date: July 30, 2004

Respectfully submitted,  
Shemyell Gregory & Courtney LLP

  
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Richard L. Gregory, Jr.  
Reg. No. 42,607  
Tel. 408-236-6646